

### **REMARKS**

Claims 1-4, 6-12, and 14-16 are present in this application. Claims 1, 4, 8, 11, and 14 are independent claims.

### **Claim Objection**

Claim 14 has been objected to for a minor informality. Claim 14 has been amended to correct "settable." Applicant requests that the objection be withdrawn.

### **§ 112, second paragraph**

Claim 14 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant notes that the Examiner incorrectly interpreted the claim as "remote from the receiving device."

Claim 14 covers, for example, an embodiment having a feature of a remote control device 80 (Fig. 5). The claimed "instruction means which is remote from the wireless communications system" covered this feature. As disclosed in the present application, the remote control device 80 is a device that remotely communicates with either the transmission unit 20 or the display unit 30.

In order to clarify the intended feature, claim 14 has been amended to replace "remote from the wireless communications system" with substantially the same scope of "remote from the transmitting device and the receiving device."

Applicant requests that the rejection be reconsidered and withdrawn based on the claim as amended.

**§ 102(b) Rejection – Hebeler**

Claims 1, 2, 4, 6-12, and 14-16 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,304,756 (Hebeler).

**CLAIMS 1, 4, 11**

Claims 1, 4, and 11 relate to a feature of selectively reducing, prior to shipment from a manufacturing site, the number of communications channels that a user can select from or set up. Prior to shipment, the manufacturer can choose from all available channels in order to avoid interference during inspection of many receiving devices at a time (specification at paragraph bridging pages 29-30, and first two paragraphs on page 30). However, Applicant has determined that after shipment, the end-user is faced with the complexity of having to choose from a large number of channels for set up of the communications system. Applicant has determined that in most cases only a few channels are necessary for a purchased communications system to avoid interference from other communications systems (specification at page 30, second full paragraph). Thus, the communications system of the claimed invention provides fewer channels for selection by the end-user. A purpose of providing fewer channels is to make it easier for the user to select and set up channels for the communications system (specification at first paragraph under “Disclosure of the Invention” at page 5, line 18, to page 7, line 10).

The Office Action alleges that in Hebeler, the base station scans the channels to determine those channels which are clear and those which are unavailable due to interference before sending the clear channel information to the handset, such that Hebeler discloses prior-to-shipment selection of channels that will be available to users. Applicant disagrees.

Applicant submits that Hebeler discloses that of a forty-channel system, all forty channels are scanned periodically by each of the handset and the base station in order to determine which channels are clear and which channels have radio activity (col. 3, lines 63-66, which states “The handset in step 200 periodically scans all channels (e.g., all forty) to determine which channels are clear and which channels have radio activity (interference).” similar for the base station at col. 4, lines 8-10). Hebeler is silent as to procedures that are conducted prior to shipment (Hebeler only mentions that the number of channels the handset should scan for incoming calls is typically chosen by the manufacturer; col. 4, lines 48-55). Thus, Applicants submit that Hebeler

fails to disclose selecting and setting user-selectable communications channels prior to shipment, which is less in number than the communications system is capable of communicating.

Furthermore, even if scanning of all channels were to be performed prior to shipment, the same scanning would be performed again after shipment, since the determination of which channels are clear depends on factors including the relative positions and environment of the handset and base station.

In contrast, in the present invention, the channels selected prior to shipment for later use are the channels available to the user after shipment. As an example, according to the present claimed invention, all forty channels would be available for inspection before shipment, while fewer, e.g., twenty, channels would be available to the user after shipment. As mentioned above, Hebeler allows all communications channels of a frequency band to be scanned periodically. Thus, it can be seen that Hebeler is fundamentally different from the claimed invention.

Claims 1, 4, and 11 have been amended to clarify that the user-selectable communications channels are selected and set to be less in number than the communications channels which the transmitting device and receiving device are capable of communicating. Applicants submit that the claim scope remains substantially unchanged.

At least for these reasons, Applicant submits that Hebeler fails to disclose at least the claimed “during completion of an inspection process for the wireless communications system prior to shipment”, “selecting usable communications channels from settable communications channels prior to shipment, so that the usable communications channels are less in number than the settable communications channels in said transmitting device and/or receiving device.”

Applicant requests that the rejection be reconsidered and withdrawn.

#### CLAIM 8

Claim 8 relates to a feature that a channel limitation means excludes from usable channels assigned on a frequency-by-frequency basis, a channel nearby the boundary of a usable frequency band in the wireless communications system (specification at page 33, first paragraph).

The Office Action refers to Hebeler at Fig. 2B, at column 4, lines 38-45, Table 1, and Table 2.

In the section “Response to Arguments,” the Examiner alleges that each channel has a frequency near the frequency of the other channels, and that by using only a subset of the available channels, channels that are near the boundary would be excluded. Applicant disagrees.

The Examiner appears to allege that in Table 1 of Hebeler, if a channel is selected which corresponds to the result “1” for the MOD function, channel 2 is used and channels 1 and 3 which are near channel 2 are excluded.

To the contrary, “usable frequency band” in the claimed invention refers to the frequency band corresponding to one of the usable channels. Using Table 2 of Hebeler as an example, if the claimed invention is applied assuming that channels 1 to 10 are all the channels usable, the “channels nearby the boundary of the usable frequency band” are at least channels 1 and 10. Hebeler is silent about selecting usable channels from the channel other than channels 1 and 10.

Thus, Applicant submits that Hebeler fails to disclose at least the claimed “amongst channels assigned on a frequency-by-frequency basis, said channel limitation means excludes, from a choice of the usable communications channels, a channel nearby the boundary of a usable frequency band in the wireless communications system” recited in claim 8.

Applicants request that the rejection of claim 8 be reconsidered and withdrawn.

#### CLAIM 14

With respect to claim 14, the Office Action alleges that the step of transmitting bit field information of the set of clear channels from the base station to the handset of Hebeler constitutes a function of remotely transmitting a determined communication channel.

Applicant submits that Hebeler’s base station does not constitute a device that is remote from the communications system. Claim 14 has been amended in order to clarify that “communications system” pertains to both the transmitting device and the receiving device, such that the remote device (e.g., remote control device 80 in Fig. 5) is remote from the transmitting device and the receiving device.

Applicant requests that the rejection of claim 14 be reconsidered and withdrawn.

**§ 103(a) Rejection – Hebeler, Pelchat**

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hebeler in view of U.S. Patent 4,233,576 (Pelchat).

Applicant submits that Pelchat fails to make up for the above-stated deficiencies in Hebeler.

Applicants request that the rejection of claim 3 be reconsidered and withdrawn.

**CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact **Robert Downs** Reg. No. 48,222 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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